B. Building (Control on Erection)/50.

1950

File No.

Legal Deptt.

B BRANCH

K

K.S.K.

Subject:— L. A Bill No. XIX of 1950

A Bill to amend the Bombay Building (Control on Erection) Act, 1948

Bombay Act No. XV of 1950

File No. B. Building (Control on Erection)/50

Legal Department.

In place of the draft Bill at p. 19 ante, a revised draft Bill has been sent herewith.

2. The subject matter of the Bill falls under entries 12 and 64 of List II in the Seventh Schedule to the Constitution of India. The Bill does not require any sanction or recommendation. After the Bill is passed it is not necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution.

J.R.Dhuramdhar.
13/3.

Additional Secretary to Government.

U.R. to Labour & Housing Deptt. No. 3505, dated 13th March 1950.

22/6

K.S.K.
22/6

SM/22.6.

Legal Department,

Bombay Castle (Bombay No. 1), 20th April 1950.

From

Shri J.R. Dhurandhar,
Additional Secretary to the Government of Bombay,
Legal Department.

To

The Private Secretary to the Governor of Bombay.

Subject:- The Bombay Building (Control on Erection) (Amendment) Bill, 1950.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for the assent of His Excellency the Governor of the authentic copy of the Bombay Building(Control on Erection) (Amendment) Bill, 1950, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 4th and 10th April 1950, respectively.

2. The subject-matter of the Bill falls under entries 13 and 64 in List II in the Seventh Schedule to the Constitution of India. As the Bill does not relate to any matter enumerated in the Concurrent Legislative List, it is not necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

4. I also forwarded herewith one copy of each of the items Nos.1, 2 and 4 as noted in the margin. The Bill was not referred to a Select Committee.

1.	Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	and two copies of item No. 1 of the papers noted in the margin.
2.	Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	
3.	Bill as read for the third time and passed by the Bombay Legislative Council.	
4.	Extracts from the proceedings of the Bombay Legislative Assembly dated the 4th April 1950 and of the Bombay Legislative Council dated the 10th April 1950.	

Yours faithfully,

J.R.Dhurandhar.
20/4.
Additional Secretary to Government.

Through
The Secretary to the Government of Bombay,
Labour and Housing Department.

No. P.S.G. 1226.

FROM

THE PRIVATE SECRETARY TO THE GOVERNOR OF BOMBAY.

TO

The Additional Secretary to Government.

Legal Department.

GOVERNMENT HOUSE,

BOMBAY April 26, 1950.

Subject: The Bombay Building (Control on Erection) (Amendment) Bill, 1950.

Sir,

With reference to your letter No. 5385, dated April 20, 1950, I am directed to return herewith the authentic copy of the Bombay Building (Control on Erection) (Amendment) Bill, 1950, with His Excellency the Governor's assent signified thereon."

Yours faithfully,

Sd/-

Private Secretary to the Governor of Bombay.

Acts.

Publication of the Bombay Building (Control on Erection) (Amendment) Act, 1950.

GOVERNMENT OF BOMBAY.
Legal Department,
Resolution No. 5946.

Bombay Castle, 2nd May 1950.

Letter to the Private Secretary to the Governor, No. 5385, dated the 20th April 1950.

Letter from the Ptivate Secretary to the Governor, No.P. S. G. 1226, dated the 26th April 1950.

"With reference to your letter No.5385, dated April 20, 1950, I am directed to return herewith the authentic copy of the Bombay Building (Control on Erection) (Amendment) Bill, 1950, with His Excellency the Governor 's assent signified thereon."

RESOLUTION:- The law should be published as Bombay Act No.XV of 1950, in the Bombay Government Gazette dated the 2nd May 1950.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari and Urdu scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Labour and Housing Department.

By order of the Governor of Bombay,

Sd/-

K.J.PATHARE,
Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department.).

The Labour and Housing Department,
The Oriental Translator to Government (with five extra copies of the Act),
The Director of Publicity, Bombay,
The Enquiry Officer for the Secretariat, Bombay,
The Bombay Legislative Department.
) each with a copy of the Act.

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari and Urdu scripts) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XIX OF 1950.

A Bill to amend the Bombay Building (Control on Erection) Act, 1948.

WHEREAS it is expedient to amend the Bombay Building (Control on Erection) Act, 1948, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

XXXI of 1948.

1. This Act may be called the Bombay Building (Control on Erection) (Amendment) Act, 1950. Short title.

Bom. XXXI of 1948.

2. In section 1 of the Bombay Building (Control on Erection) Act, 1948, hereinafter called the said Act,— Amendment of section 1 of Bom. XXXI of 1948.

(*1*) in sub-section (*3*), the words beginning with the words "The Provincial Government may further" and ending with the words "in the notification" shall be deleted ;

(*2*) after sub-section (*3*), the following sub-section shall be added, namely :—

"(*4*) In the areas to which this Act extends for the time being, the provisions thereof shall, after the date of the commencement of the Bombay Building (Control on Erection) (Amendment) Act, 1950, apply only to buildings which are intended to be used for the purpose of a theatre, a cinema or any other place of public amusement :

Bom. of 1950.

Provided that in the City of Bombay, the Bombay Suburban District and the Thana Taluka of the Thana District, the said provisions shall after the

aforesaid date apply also to buildings intended to be used for an industrial undertaking. " ;

(*3*) in the marginal note to the said section, for the words " and extent " the words, " extent and application " shall be substituted.

Amendment of section 2 of Bom. XXXI of 1948.

3. In section 2 of the said Act, clause (*v*) shall be deleted.

Amendment of section 4 of Bom. XXXI of 1948.

4. In sub-section (*2*) of section 4 of the said Act, the proviso and the Explanation shall be deleted.

Amendment of Schedule to Bom. XXXI of 1948.

5. In the Schedule to the said Act, entries 4 to 6 (both inclusive) shall be deleted.

Savings.

6. The amendments made in the said Act by this Act shall not affect—

(*1*) any right, obligation or liability already acquired, accrued or incurred before the commencement of this Act, or

(*2*) any penalty, forfeiture or punishment incurred in respect of any offence committed before the commencement of this Act, or

(*3*) any legal proceeding or remedy in respect of any such right, obligation, liability, penalty, forfeiture or punishment or anything done or suffered before the commencement of this Act,

and any such legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed.

STATEMENT OF OBJECTS AND REASONS.

The Government of Bombay has decided to relax the present restrictions under the Bombay Building (Control on Erection) Act, 1948, so as to allow construction of residential, business and commercial premises, without a permit from the Building Controller.

The construction of cinemas, theatres and places of amusement will continue to be controlled, all over the State in view of the prevailing shortage of essential building materials, particularly steel. Similarly, the construction of industrial premises in Bombay City, Bombay Suburban District and the Thana Taluka of the Thana District will require a permit from the Building Controller in order to

prevent congestion and to ensure construction of such premises in industrial zones set apart for the purpose.

The Bombay Building (Control on Erection) Act, 1948, is being amended accordingly.

Dated the 28th March 1950. (Signed) JIVRAJ N. MEHTA.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

Bombay, dated the 30th March 1950.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XIX OF 1950.

A Bill to amend the Bombay Building (Control on Erection) Act, 1948.

(As read for the third time and passed by the Legislative Assembly on the 4th April 1950.)

(As read for the third time and passed by the Legislative Council on the 10th April 1950.)

Bom. XXXI of 1948.

WHEREAS it is expedient to amend the Bombay Building (Control on Erection) Act, 1948, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Building (Control on Erection) (Amendment) Act, 1950.

Bom. XXXI of 1948.

Amendment of section 1 of Bom. XXXI of 1948.

2. In section 1 of the Bombay Building (Control on Erection) Act, 1948, hereinafter called the said Act,—

(*1*) in sub-section (*3*), the words beginning with the words "The Provincial Government may further" and ending with the words "in the notification" shall be deleted;

(*2*) after sub-section (*3*), the following sub-section shall be added, namely :—

"(*4*) In the areas to which this Act extends for the time being, the provisions thereof shall, after the date of the commencement of the Bombay Building (Control on Erection) (Amendment) Act, 1950, apply only to buildings which are intended to be used for the purpose of a theatre, a cinema or any other place of public amusement :

Bom. of 1950.

Provided that in the City of Bombay, the Bombay Suburban District and the Thana Taluka of the Thana District, the said provisions shall after the

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aforesaid date apply also to buildings intended to be used for an industrial undertaking. " ;

(*3*) in the marginal note to the said section, for the words " and extent " the words, " extent and application " shall be substituted.

Amendment of section 2 of Bom. XXXI of 1948.

3. In section 2 of the said Act, clause (*v*) shall be deleted.

Amendment of section 4 of Bom. XXXI of 1948.

4. In sub-section (*2*) of section 4 of the said Act, the proviso and the Explanation shall be deleted.

Amendment of Schedule to Bom. XXXI of 1948.

5. In the Schedule to the said Act, entries 4 to 6 (both inclusive) shall be deleted.

Savings.

6. The amendments made in the said Act by this Act shall not affect—

(*1*) any right, obligation or liability already acquired, accrued or incurred before the commencement of this Act, or

(*2*) any penalty, forfeiture or punishment incurred in respect of any offence committed before the commencement of this Act, or

(*3*) any legal proceeding or remedy in respect of any such right, obligation, liability, penalty, forfeiture or punishment or anything done or suffered before the commencement of this Act,

and any such legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed.

Government of Bombay

LEGAL DEPARTMENT.

[L. A. BILL No. XIX OF 1950.]

(As read for the third time and passed by the Legislative Assembly on the 4th April 1950.)

(As read for the third time and passed by the Legislative Council on the 10th April 1950.)

A Bill to amend the Bombay Building (Control on Erection) Act, 1948.

[Dr. JIVRAJ N. MEHTA, M.L.A.]

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BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XIX OF 1950.

A Bill to amend the Bombay Building (Control on Erection) Act, 1948.

(As read for the third time and passed by the Legislative Assembly on the 4th April 1950.)

(As read for the third time and passed by the Legislative Council on the 10th April 1950.)

Bom. XXXI of 1948.

WHEREAS it is expedient to amend the Bombay Building (Control on Erection) Act, 1948, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Building (Control on Erection) (Amendment) Act, 1950.

Bom. XXXI of 1948.

Amendment of section 1 of Bom. XXXI of 1948.

2. In section 1 of the Bombay Building (Control on Erection) Act, 1948, hereinafter called the said Act,—

(*1*) in sub-section (*3*), the words beginning with the words "The Provincial Government may further" and ending with the words "in the notification" shall be deleted ;

(*2*) after sub-section (*3*), the following sub-section shall be added, namely :—

"(*4*) In the areas to which this Act extends for the time being, the provisions thereof shall, after the date of the commencement of the Bombay Building (Control on Erection) (Amendment) Act, 1950, apply only to buildings which are intended to be used for the purpose of a theatre, a cinema or any other place of public amusement :

Bom. of 1950.

Provided that in the City of Bombay, the Bombay Suburban District and the Thana Taluka of the Thana District, the said provisions shall after the

aforesaid date apply also to buildings intended to be used for an industrial undertaking.";

(*3*) in the marginal note to the said section, for the words "and extent" the words, "extent and application" shall be substituted.

Amendment of section 2 of Bom. XXXI of 1948.

3. In section 2 of the said Act, clause (*v*) shall be deleted.

Amendment of section 4 of Bom. XXXI of 1948.

4. In sub-section (*2*) of section 4 of the said Act, the proviso and the Explanation shall be deleted.

Amendment of Schedule to Bom. XXXI of 1948.

5. In the Schedule to the said Act, entries 4 to 6 (both inclusive) shall be deleted.

Savings.

6. The amendments made in the said Act by this Act shall not affect—

(*1*) any right, obligation or liability already acquired, accrued or incurred before the commencement of this Act, or

(*2*) any penalty, forfeiture or punishment incurred in respect of any offence committed before the commencement of this Act, or

(*3*) any legal proceeding or remedy in respect of any such right, obligation, liability, penalty, forfeiture or punishment or anything done or suffered before the commencement of this Act,

and any such legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XIX OF 1950.]

(As read for the third time and passed by the Legislative Assembly on the 4th April 1950.)

(As read for the third time and passed by the Legislative Council on the 10th April 1950.)

A Bill to amend the Bombay Building (Control on Erection) Act, 1948.

[Dr. JIVRAJ N. MEHTA, M.L.A.]

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The

Bombay Government Gazette

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TUESDAY, 2ND MAY 1950.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated by the Governor.

CONTENTS.

	PAGES.
BOMBAY ACT No. XV OF 1950—An Act to amend the Bombay Building (Control on Erection) Act, 1948	400-401

The following Act of the Bombay Legislature having been assented to by the Governor on the 26th April 1950 is hereby published for general information.

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XV OF 1950.

(*First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 2nd May 1950.*)

An Act to amend the Bombay Building (Control on Erection) Act, 1948.

Bom. XXXI of 1948.

WHEREAS it is expedient to amend the Bombay Building (Control on Erection) Act, 1948, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Building (Control on Erection) (Amendment) Act, 1950.

Bom. XXXI of 1948.

Amendment of section 1 of Bom. XXXI of 1948.

2. In section 1 of the Bombay Building (Control on Erection) Act, 1948, hereinafter called the said Act,—

(*1*) in sub-section (*3*), the words beginning with the words "The Provincial Government may further" and ending with the words "in the notification" shall be deleted;

(*2*) after sub-section (*3*), the following sub-section shall be added, namely:—

"(*4*) In the areas to which this Act extends for the time being, the provisions thereof shall, after the date of the commencement of the Bombay Building (Control on Erection) (Amendment) Act, 1950, apply only to buildings which

Bom. XV of 1950.

are intended to be used for the purpose of a theatre, a cinema or any other place of public amusement:

Provided that in the City of Bombay, the Bombay Suburban District and the Thana Taluka of the Thana District, the said provisions shall after the aforesaid date apply also to buildings intended to be used for an industrial undertaking.";

(3) in the marginal note to the said section, for the words "and extent" the words, "extent and application" shall be substituted.

Amendment of section 2 of Bom. XXXI of 1948.

3. In section 2 of the said Act, clause (v) shall be deleted.

Amendment of section 4 of Bom. XXXI of 1948.

4. In sub-section (2) of section 4 of the said Act, the proviso and the Explanation shall be deleted.

Amendment of Schedule to Bom. XXXI of 1948.

5. In the Schedule to the said Act, entries 4 to 6 (both inclusive) shall be deleted.

Savings.

6. The amendments made in the said Act by this Act shall not affect—

(1) any right, obligation or liability already acquired, accrued or incurred before the commencement of this Act, or

(2) any penalty, forfeiture or punishment incurred in respect of any offence committed before the commencement of this Act, or

(3) any legal proceeding or remedy in respect of any such right, obligation, liability, penalty, forfeiture or punishment or anything done or suffered before the commencement of this Act,

and any such legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.